



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT: ROGER M. BOISSONNEAULT EXAMINER: J. LIPOVSKY
SERIAL NO: 07/340,974 ART UNIT: 125
FILED: APRIL 20, 1989 PAPER NO: 4
FOR: GRADUATED ESTROGEN CONTRACEPTIVE

4/6
JRP
3/21/90

March 9, 1990

AMENDMENT

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

In response to the office action mailed December 18, 1989,
please enter the following amendment and remarks.

In the Specification:

On page 1, line 6, please replace "now" with --both--.

In the Claims:

Please cancel claims 10-21.

REMARKS

Claims 10-21 drawn to non-elected subject matter have been cancelled without prejudice to the filing of a subsequent divisional application. The cancellation of claims 10-21 has been made in response to a restriction requirement for which no traverse is being made.

The cross-reference paragraph on page 1 of the application has been amended to reflect the current status of the prior applications.

Reconsideration is respectfully requested of the rejection of claims 1-9 under 35 U.S.C. 103 as allegedly being unpatentable over Pasquale. The Patent Office has based the rejection of the claims over Pasquale on the erroneous basis which has been stated: "in which an estrogen/progestogen composition of varying dosages may be used wherein the level of estrogen is increased in each phase" (our emphasis added). The Patent Office rejected similar claims in Applicant's first filed application 06/659,144 on April 4, 1986, and again in Applicant's prior continuation-in-part application, Serial Number 07/061,646 on July 18, 1988, making the same erroneous statement "wherein the level of estrogen is increased in each